



0000083906

ORIGINAL EXCEPTION

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
Chairman

2002 OCT 17 P 3: 38

JIM IRVIN
Commissioner

Arizona Corporation Commission
DOCKETED

AZ CORP COMMISSION
DOCUMENT CONTROL

OCT 17 2002

MARC SPITZER
Commissioner

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**IN THE MATTER OF RULES TO
ADDRESS SLAMMING AND OTHER
DECEPTIVE PRACTICES**

DOCKET NO. RT 00000J-99-0034

**EXCEPTIONS OF AT&T TO
OCTOBER 8, 2002 RECOMMENDED
OPINION AND ORDER**

AT&T Communications of the Mountain States, Inc. ("AT&T") submits the following exceptions to the Recommended Opinion and Order issued by the Hearing Division on October 8, 2002.

Introduction

The Recommended Opinion and Order resolves many of the issues raised by the parties relating to contradictory provisions and confusing or unnecessary language. These changes are helpful. AT&T submits that the following revisions are also necessary to make the rules workable for both industry and the Commission.

1. R14-2-1907(C)

Rule 1907(C) gives carriers just five business days to verify that a change was authorized by the customer. Set forth in full, the rule provides as follows:

- C. If a Telecommunications Company has been notified that an Unauthorized Change has occurred and the Telecommunications Company cannot verify within

5 business days that the change was authorized pursuant to R14-2-1905, the Unauthorized Carrier shall~~Telecommunications Company shall~~:

1. Pay all charges to the original Telecommunications Company associated with returning the Subscriber to the original Telecommunications Company as promptly as reasonable business practices will permit, but no later than 30 business days from the date of the Unauthorized Carrier's failure to confirm authorization of the change;
2. Absolve the Subscriber of all charges incurred during the first 90 days of service provided by the Unauthorized Carrier if a Subscriber has not paid charges to the Unauthorized Carrier;
3. Forward relevant billing information to the original Telecommunications Carrier within 15 business days of a Subscriber's notification. The original Telecommunications Company may not bill the Subscriber for unauthorized service charges during the first 90 days of the Unauthorized Carrier's service but may thereafter bill the Subscriber at the original Telecommunications Company's rates;

AT&T agrees with Staff and the Commission that all carriers should be required – as stated in 1907(B) – to quickly and cooperatively return the customer to his/her original carrier. However, it is not reasonable to require a Carrier to produce proof of verification within five business days. Verifications are obtained through a variety of different sources including third parties, written letters of agency, and Internet LOAs. It may take more than five business days to: (a) route the Commission's request to the person responsible for finding the verification; (b) gather all facts necessary to identify the verification; (c) extract the verification or LOA from an electronic or hard-copy database; and (d) return it to the Commission representative. If just one person in this investigatory-chain is not in the office, out unexpectedly, or sick, the five-day deadline may become impossible to meet. Similarly, if a file is in storage off-site, timing becomes a problem. Five days simply does not generally allow sufficient time to investigate, find, and produce a verification.

Historically, the Commission has required parties against whom a complaint has been lodged to respond to the Commission representative within five working days as to the status of the utility's investigation of the complaint. This is a reasonable requirement. Also, it is not unreasonable for the Commission to impose a deadline for producing the verification. AT&T asks that the Commission amend the first sentence of 1907(C) to provide as follows:

If a Telecommunications Company has been notified that an Unauthorized Change has occurred ~~and~~ the Telecommunications Company shall to respond to the Commission representative within 5 working days as to the status of the Company investigation of the Unauthorized Change. If the Telecommunications Company cannot verify within 5 15 business days that the change was authorized pursuant the R14-2-1905, the Unauthorized Carrier shall: . . .

This modest revision would also cause R14-2-1907(c) to parallel Rule R14-2-2006(A)(4), which allows a Carrier fifteen business days to provide to the subscriber billing records relating to an Unauthorized Charge.

2. Script Submission

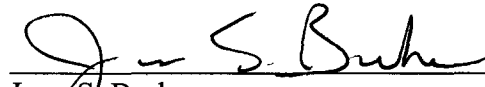
AT&T maintains its objection to the submission of scripts where no allegation of wrongdoing or consumer confusion has been made. Both Arizona and the telecommunications industry are facing budget challenges that stretch limited resources. Given this climate, it will be difficult to dedicate employees in every AT&T business unit to the task of gathering scripts, ferreting out variations in scripts, arranging for submission of the scripts under seal, monitoring the scripts going forward for any material change, and filing periodic updates when material changes are made. The dollars used to manage this work could be better spent on improving processes and on providing improved service to customers. Similarly, Commission resources dedicated to

reviewing, organizing and storing scripts could instead be directed toward investigating alleged incidents of slamming or cramming in Arizona. As mentioned in prior written comments, AT&T has agreed to submit to the Commission, under seal, all relevant marketing scripts in the course of a complaint proceeding.

AT&T would like to invest all available resources in improving customer service and products. AT&T respectfully opposes the collection and deposit, under seal, of all marketing and sales scripts used in Arizona.

Submitted this 17th day of October 2002.

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CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of Comments Of AT&T On Proposed Slamming and Cramming Rules, were hand delivered on this 17th day of October, 2002, to:

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Phoenix, AZ 85007

and a true and correct copy was hand-delivered on this 17th day of October, 2002, to:

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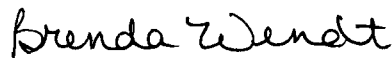
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